

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE VIVENDI UNIVERSAL, S.A. SECURITIES
LITIGATION

This document relates to:

07 Civ. 5742	07 Civ. 7370
07 Civ. 7775	07 Civ. 7776
07 Civ. 7778	07 Civ. 7779
07 Civ. 7863	07 Civ. 7803
07 Civ. 8208	07 Civ. 8156
07 Civ. 9229	07 Civ. 8830
07 Civ. 9593	07 Civ. 10578
07 Civ. 10954	07 Civ. 10995
07 Civ. 11092	07 Civ. 11305
07 Civ. 11483	07 Civ. 11484
07 Civ. 11485	07 Civ. 11628
08 Civ. 0024	08 Civ. 0116
08 Civ. 0117	08 Civ. 0418
08 Civ. 1111	08 Civ. 0950
08 Civ. 01973	08 Civ. 1938
08 Civ. 01983	08 Civ. 01974
08 Civ. 01985	08 Civ. 01975

02 Civ. 5571 (RJH/HBP)
ECF CASE

**NOTICE OF MOTION OF DEFENDANTS FOR PARTIAL SUMMARY JUDGMENT
AGAINST INDIVIDUAL PLAINTIFFS FOR LACK OF STANDING**

PLEASE TAKE NOTICE that, upon the Memorandum of Law, dated August 15, 2008, the Declaration of Damaris Hernández, executed August 15, 2008, with exhibits thereto, the Statement Pursuant to Civil Rule 56.1, and upon all prior pleadings and proceedings herein, Defendants Vivendi, S.A., Jean-Marie Messier and Guillaume Hannezo¹ hereby move this Court,

¹ Mr. Hannezo joins in this motion as to (a) Capitalia Asset Management SGR, S.p.A. v. Vivendi Universal, S.A., No. 07 Civ. 5742 (the only action in which he has been properly served); and (b) Pioneer Investments Austria, GmbH v. Vivendi Universal, S.A., No. 07 Civ. 10578 (as to which the Court has ordered that Mr. Hannezo respond to discovery requests). Mr. Hannezo has moved to dismiss the other Individual Actions for failure to serve him with process.

before Judge Richard J. Holwell, at the Courthouse, 500 Pearl Street, New York, New York, for summary judgment pursuant to Fed. R. Civ. P. 56(b) on claims brought by Plaintiffs in the above-captioned individual actions , as set forth in more detail in the accompanying memorandum of law; and granting such other and further relief as the Court deems just and proper.

August 15, 2008.

KING & SPALDING LLP

Michael J. Malone
Paul A. Straus
Lisa Albert

1185 Avenue of the Americas
New York, NY 10036
(22) 556-2136
pstraus@kslaw.com

*Attorneys for Defendant Jean-Marie
Messier*

CRAVATH, SWAINE & MOORE LLP,

by 

Paul C. Saunders
Daniel Slifkin
Michael A. Paskin
Michael T. Reynolds
Timothy G. Cameron
Members of the Firm

Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
(212) 474-1000
psaunders@cavath.com

Attorneys for Defendant Vivendi, S.A.

To the extent that motion is denied with respect to some or all of the other Individual Actions, Mr. Hannezo joins in this motion as to those actions as well.

SCHULTE ROTH & ZABEL LLP

Martin L. Perschetz
Michael E. Schwartz
Einat Philip

919 Third Avenue
New York, NY 10022
(212) 756-2247
martin.perschetz@srz.com

*Attorneys for Defendant Guillaume
Hannezo*

WEIL GOTSHAL & MANGES LLP

James W. Quinn
Jonathan D. Polkes
Penny P. Reid

767 Fifth Avenue
New York, NY 10153
(212) 310-8000
james.quinn@weil.com

Attorneys for Defendant Vivendi, S.A.

TO:

Diane Zilka, Esq.
Grant & Eisenhofer P.A.
Chase Manhattan Centre
1201 North Market Street
Wilmington, DE 19801

Attorneys for Individual Plaintiffs in Nos. 07 Civ. 7370, 07 Civ. 7779, 07 Civ. 7778, 07 Civ. 7776, 07 Civ. 7775, 07 Civ. 7803, 07 Civ. 7863, 07 Civ. 8208, 07 Civ. 953, 07 Civ. 11485, 08 Civ. 0024, 08 Civ. 0116, 08 Civ. 0117, 08 Civ. 1938, 08 Civ. 01985

Anthony J. Harwood, Esq.
Labaton Sucharow LLP
140 Broadway
New York, NY 10005

Attorneys for Individual Plaintiffs in Nos. 07 Civ. 5742, 07 Civ. 10995, 07 Civ. 11305, 07 Civ. 11483, 07 Civ. 11484, 08 Civ. 0418

Michael Elsner, Esq.
Motley Rice LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29464

Attorneys for Individual Plaintiffs in Nos. 07 Civ. 8830, 07 Civ. 10578, 07 Civ. 10954, 07 Civ. 11628, 08 Civ. 0950, 08 Civ. 1111, 08 Civ. 01983

Stuart L. Berman, Esq.
Schiffirin Barroway Topaz & Kessler, LLP
280 King of Prussia Road
Radnor, PA 19087

Attorneys for Individual Plaintiffs in Nos. 07 Civ. 8156, 07 Civ. 9929, 07 Civ. 11092, 08 Civ. 1973, 08 Civ. 1974, 08 Civ. 1975